IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

OP.No. 4094 of 2002(K)

PETITIONER:

M/S.GRASSIM INDUSTRIES LIMITED,
(FORMERLY GWALIOR RAYON SILK MFG.,
(WVG) CO., LTD.) BIRLAKOOTAM, MAVOOR,
KOZHIKODE, REP. BY ITS VICE-PRESIDENT
SRI.S.P.GUPTA.

BY ADV. SRI.ANTONY DOMINIC
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN

RESPONDENTS:
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1. **STATE OF KERALA,**
REPRESENTED BY SECRETARY, REVENUE(L)
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE COMMISSIONER OF LAND REVENUE,**
SECRETARIAT, THIRUVANANTHAPURAM.

3. **THE TAHSILDAR, TALUK OFFICE,**
VADAKARA, KOZHIKODE.

4. **THE DISTRICT COLLECTOR,**
CIVIL STATION, KOZHIKODE.

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.4094/2002

ORDER ON CMP. NO.S7394/2002, 27734/2002 IN OP. 4094/2002

DISMISSED

26.07.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT. 8.7.98 ISSUED BY THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE ORDER DT. 23.7.99, NO.D.DIS 21798/98/LR(J) 3 ISSUED BY THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE ORDER DT. 3.3.01, ISSUED BY THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE ORDER DT. 17.1.02 ISSUED BY THE 1ST RESPONDENT.

EXT.P5:- COPY OF THE NOTICE NO.C2-2823/86, DT. 7.6.02 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

/TRUE COPY/

P.S. TO JUDGE

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.4094 of 2002-K

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Dated this the 26th day of July, 2007.

JUDGMENT

The Tahsildar, Vatagara issued Ext.P1 order fixing lease rent for an item of Government land in the possession of the petitioner. By Ext.P3, that order was set aside. Thereafter, the impugned Ext.P4 is issued demanding an amount of Rs.60,20,000/- as against Rs.6,46,080/- fixed as per Ext.P1. As is apparent from Ext.P4, the said order has been issued without any pre-decision notice or after extending an opportunity of hearing, in any manner. On this short ground, the impugned Ext.P4 has to go, without expressing anything on the other issues arising for decision, including the rate at which lease rent could be fixed, as also the power of the Government.

In the result, the impugned Ext.P4 is quashed leaving the Government with opportunity to take steps afresh in accordance with law and to render a final decision on the lease rent to be paid by the petitioner for the period in question after giving a notice to place its case before the Government and also an opportunity of personal hearing.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 4094 of 2002-K

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JUDGMENT

Dated: 26th July, 2007.